

EXCEPTIONS

BEFORE THE ARIZONA CORPORATION COMMISSION

Bob Burns, Chairman
Boyd Dunn, Commissioner
Sandra Kennedy, Commissioner
Lea Marquez Peterson, Commissioner
Justin Olson, Commissioner

Re: In matter of the application of Arizona Public Service Company for a Ruling
Relating to its 2020 Demand Side
Management Implementation Plan Docket No. E-01345A-19-0088

**COMMENTS OF DINÉ CARE, TÓ NIZHÓNÍ ÁNÍ AND BLACK MESA TRUST ON
STAFF'S RECOMMENDED OPINION AND ORDER ON APS'S 2020 DEMAND SIDE
MANAGEMENT PLAN**

Diné CARE, Tó Nizhóni Áni and Black Mesa Trust respectfully submit the following comments for the Commission's consideration in response to the pending Recommended Opinion and Order on the 2020 Demand Side Management (DSM) Plan of Arizona Public Service Company (APS).

Between us, our groups have filed numerous comments and intervened in several Commission proceedings over the past several years, all with the ultimate aim of assisting the Navajo Nation, the Hopi Tribe, and their people in their transition to a post-coal economy. With the closure of the Navajo Generating Station (NGS) nine months ago and the retirement dates for the Four Corners Power Plant, Cholla Power Plant and San Juan Generating all recently and dramatically accelerated, this transition is now more urgent than ever. APS is a co-owner in three of these plants,¹ and we view this proceeding as yet another opportunity for the utility to make good on its corporate responsibility to provide the Navajo Nation, the Hopi Tribe, and impacted communities with funding and assistance for a just and equitable transition.

The Navajo Nation and the Hopi Tribe are still coping with the lost jobs and revenue from the closure of NGS; and to date no transition planning has been committed or even proposed for the slated closure of the Cholla Power Plant in 2025 or of the Four Corners Plant in 2031 or earlier.

A core component of any transition support must include increased investment in tribal clean energy development by APS and Arizona's other utilities. This includes utility assistance for energy efficiency projects in tribal communities. Boosting investment in energy efficiency and other clean energy resources would benefit the people of the Navajo Nation and the Hopi Tribe, and the state of Arizona, delivering both environmental and economic benefits. It would help clean up our air, land, and water; decrease wasteful depletions of vital water supplies; and promote a far more affordable and equitable system of energy generation and distribution.

¹ NGS, Four Corners Power Plant, and the Cholla Power Plant

Energy efficiency projects also help to mitigate high energy costs that have a disproportionate impact on low-income tribal members.

As we detailed in the comments filed on APS's 2018 DSM Plan, there are programs in other states that could serve as models for tribal DSM applications, including New Mexico Gas Company's "Native American Energy Efficiency Project," which assists the San Felipe Pueblo on weatherization efforts.²

To that end, we urge the Commission as part of its decision on APS's 2020 DSM Plan to require APS to file with the Commission in no more than 60 days a proposal to implement an energy efficiency program that works directly with tribal communities (i.e. a "Tribal Energy Efficiency Program"). At a bare minimum, this program should be seed-funded with at least \$457,000 annually, which is the amount equivalent to the difference between the 2020 DSM Plan budget originally proposed by APS and the budget recommended for approval by the Commission Staff in the Recommended Opinion and Order.

Please see proposed Amendment 1, attached herein as an appendix.

Respectfully submitted to the Commission by the authorized representatives of the following organizations:

Carol Davis
Executive Director
Diné CARE

Nicole Horseherder
Executive Director
Tó Nizhóní Ání

Vernon Masayesva
Executive Director
Black Mesa Trust

² See comments of Diné CARE and Tó Nizhóní Ání filed on July 12, 2018, in Docket No. E-01345A-17-0134: <https://docket.images.azcc.gov/0000190091.pdf>

Appendix: Proposed Amendment of Diné CARE and Tó Nizhóni Áni

AMENDMENT NO. ____

TIME/DATE PREPARED: ____

COMPANY: Arizona Public Service Co. **AGENDA ITEM NO.:** ____

DOCKET NO.: E-01345A-19-0088 **OPEN MEETING:** ____

Purpose: To require APS to make good on its corporate responsibility to provide the Navajo Nation, the Hopi Tribe, and their people with funding and assistance for a just and equitable transition to post-coal economies by filing with the Commission in no more than 60 days a proposal to implement a Tribal Energy Efficiency Program.

At Page 35, Line 16, INSERT NEW ORDERING PARAGRAPH:

IT IS FURTHER ORDERED that as part of its corporate obligations to support a just and equitable transition of communities impacted by early power plant closure, Arizona Public Service Company shall within sixty (60) days develop and file for the Commission's review and approval a Tribal Energy Efficiency Program proposal and budget to implement energy efficiency projects with Navajo and Hopi tribal communities impacted by the closure of coal-fired power plants that Arizona Public Service Company owns or operates, including Navajo Generating Station, Four Corners Power Plant, and Cholla Power Plant.

IT IS FURTHER ORDERED that the Tribal Energy Efficiency Program shall be seed-funded with at least \$457,000 annually, the amount equivalent to the difference between the 2020 DSM Plan budget originally proposed by Arizona Public Service Company and the budget recommended for approval by Commission Staff; and that cost-effectiveness requirements for the Program shall be waived.

MAKE CONFORMING CHANGES